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Attorneys for Plaintiffs
 MARSHALL LOSKOT
 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION,
 SERVICES: HELPING YOU
 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MARSHALL LOSKOT, an individual; and)
 DISABILITY RIGHTS ENFORCEMENT,)
 EDUCATION, SERVICES:HELPING)
 YOU HELP OTHERS, a California public)
 benefit corporation,)

Plaintiffs,)

v.)

DIABLO MAZDA SUBARU; MARVIN)
 S. BENN, as trustee of the MARVIN S.)
 BENN REVOCABLE TRUST; and)
 DIABLO AUTO INC., a California)
 corporation dba DIABLO MAZDA)
 SUBARU,)

Defendants.)

CASE NO. C04-3986 CW

**STIPULATION OF DISMISSAL AND
~~(PROPOSED)~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”), each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

STIPULATION OF DISMISSAL

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
2 through their designated counsel that the above-captioned action be and hereby is dismissed
3 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6
7 Dated: May 24, 2005

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

10 By: /s/
11 Jessica A. Dayton
12 Attorneys for Plaintiffs BRENDA PICKERN and
13 DISABILITY RIGHTS, ENFORCEMENT,
EDUCATION, SERVICES:HELPING YOU
HELP OTHERS, a California public benefit
corporation

14 Dated: April 26, 2005

MILLER, STARR & REGALIA
A PROFESSIONAL LAW CORPORATION

16 By: /s/
17 David. E. Harris
18 Attorneys for Defendants MARVIN S. BENN, as
19 trustee of the MARVIN S. BENN REVOCABLE
20 TRUST; and DIABLO AUTO INC., a California
21 corporation dba DIABLO MAZDA SUBARU,

